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DE RUEHKT #1281 3501005  
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FM AMEMBASSY KATHMANDU  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9541  
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 6747  
RUEHLM/AMEMBASSY COLOMBO PRIORITY 7041  
RUEHKA/AMEMBASSY DHAKA PRIORITY 2354  
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 5087  
RUEHLO/AMEMBASSY LONDON PRIORITY 6270  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 2756  
RUEHCI/AMCONSUL KOLKATA PRIORITY 4392  
RUEHGV/USMISSION GENEVA PRIORITY 2219  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 3392  
RUEKJCS/SECDEF WASHDC PRIORITY  
RHMFISS/CDR USPACOM HONOLULU HI PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY  
RHEFDIA/DIA WASHDC PRIORITY

C O N F I D E N T I A L KATHMANDU 001281

SIPDIS

E.O. 12958: DECL: 12/15/2018

TAGS: [PGOV](#) [KDEM](#) [NP](#)

SUBJECT: NEPAL: SIXTH CONSTITUTIONAL AMENDMENT REGARDING  
BY-ELECTIONS APPROVED

Classified By: Ambassador Nancy J. Powell. Reasons 1.4 (b/d)

Constitution Amended; By-Election Language Spelled Out  
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[11](#). (U) On December 11, Nepal's Constituent Assembly (CA) overwhelmingly approved the sixth set of amendments to the Interim Constitution from January 2007. The 6th Amendment made the following substantive changes:

-- Authorized the President (vice the Prime Minister) to call the CA into session if at least one-fourth of the MPs request a session (Article 51). (Note: In all other instances, the President calls the session on the recommendation of the Prime Minister. End Note.)  
-- Elaborated on which vacancies were covered by by-elections and revised the cut-off date for determining who could vote in the by-elections from mid-December 2006 to mid-April 2008 (Article 63), allowing those who turned 18 since 2006 to vote.

Comment  
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[12](#). (C) Election Commissioner Neel Kantha Uprety told Emboff December 11 that he expected the by-elections in the six constituencies where there are vacancies to take place in the March to April time frame, roughly a year after the April 2007 Constituent Assembly election. Five of the seats are vacant because candidates won two first-past-the-post races and had to give up one seat. The sixth vacancy came about when Ram Baran Yadav gave up his CA seat in July to become President. It is disappointing, to say the least, that the by-elections are unlikely to happen until a full year since the CA election. With that lack of progress as a benchmark, it certainly doesn't bode well for the constitution-drafting process -- which also has not yet begun seven months after the CA was first seated.

POWELL